

## **EXHIBIT TO COMPLAINT**

Supreme Court of the State of New York  
Appellate Division 2nd Department<sup>82</sup>

The People of the State of New York  
Plaintiffs-Respondents,

against -

Donald J. Guichard  
Defendant-Appellant.

: Affidavit in Support of  
: Motion for Extension of  
: Time to Appeal Pursuant  
: to CPL § 460.30

: Indictment No. 1123 - <sup>84</sup> 12

Donald J. Guichard being duly sworn, deposes and says:

That I am the defendant herein and submit this affidavit in support of my application for leave to serve a notice of appeal within thirty days after the granting of an order permitting me to file pursuant to Section 460.30 of the Criminal Procedure Law of the State of New York.

On July 25, I was convicted of Rossburg in the 1st degree. (Trial Judge Braslow)  
I received a sentence of 4 years on July 25, 18. (Judge Braslow)<sup>86</sup>

I failed to file my Notice of Appeal within thirty days because:

I gave 3 copies to commissary Officer DeCarlo to mail on July 23  
to mail you can verify by contacting 87 Riderhead County Correctional  
Facility monies were taken out of my account (Lost in Mail)

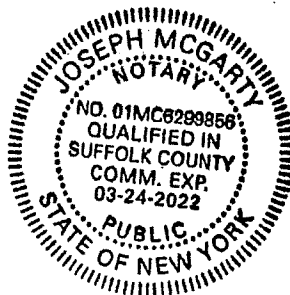
WHEREFORE, I respectfully urge this Court to extend the time within which a notice of appeal may be served and filed pursuant to section 460.30 of the Criminal Procedure Law of the State of New York and issue an order granting this application permitting me to serve and file a notice of appeal within thirty days from the date of said order and for such other relief as this Court may deem just and proper.

Donald J. Guichard  
Defendant-Appellant

Sworn to before me

this 7 day of JANUARY 2019

Notary Public



E-Pod 4-Cell 187038

Time: 1:02pm  
1-19-18

page #1

## Inmate Grievance Complaint

Description Of Problem: On this same date and approximate time I Eric D Williams put a grievance complaint in the mail box per the housing unit sergeants direction approximate time & date of incident 8:10am on 1-19-18 Grievance complaint against housing officer/and Trainer. Please see (1) Page grievance complaint attached.

On this same date & approx. time 1-19-18 1:02pm I was approached by housing sergeant after interview with mental health provider Scott. The housing sergeant states you have a choice your grievance taken out of the mail box by the [redacted] states you have a choice (Williams) this is bull s--- against my officer's. If you want me to submit your grievance complaint for her not moving fast enough to open your cell. Sergeant's exact words. I will submit it with a disciplinary report to stop you from going home on Tuesday. Or he further states take your grievance complaint back and stop making false complaints. At this time fearing for my release date 1-23-19 I complied with his threat of disciplinary report that would be fabricated by the sergeant himself. (End)

Action Requested: For this severe complaint to be investigated at the most earliest convenience at the warden's direction. It is my responsibility and the responsibility of the correction officers to build the kind of rapport that will make my stay here as easy as possible. During my stay in the Suffolk County Correctional Facility all inmates will be treated equally regardless of their charge, race, color, religion, national origin, disability, age, marital status, or

Eric D Williams

INMATE  
COPY

## SHERIFF'S OFFICE

2018 MAR 26 A 10:01

me causing the dorm to get a "Shakedown". So I went back to the officer and informed him about how the other inmates felt that the officer will think that they were causing me problems. The officer then ordered me to get in the top bunk, so I ~~told him~~ respectfully told him that I am unable to climb to the top bunk today tomorrow or ever. Please refer to audio-video tape because I was standing right under the camera. I never raised my voice or cursed ever and I thought me and him had a very good relationship, but he exploded and demanded my property. I had two full plastic bags full of property, and the officer reduced all my belongings to a one-third size. The officer opened a tied bag of toiletries and broke the lid off the Shampoo bottle and <sup>mouth</sup> wash, poured Shampoo <sup>and mouthwash</sup> all over my clothes, bedding, legal notes and legal court documents. He threw out my bible and books / novels / magazine. It is a Federal violation to throw someone's bible away. Then I was ordered to go in the Sally port and to put both of my arm up on the wall. After a few moments I was grimacing in pain due to my previous medical issues. Due to the pain I put my right arm down and I glanced at the officer and at no time did I make any hand gestures or any verbal contact <sup>to</sup> with him. Then the Suffolk Emergency Response Team (SERT) officers came in. The black officer stated "You, it's you!" and twisted my

Suffolk County Correctional Facility Notice of Charges and Basis for Disciplinary Actions Report		Disciplinary # <u>Y18DO198</u>
Inmates Name: <u>Guichard, Donald</u>		Inmate Housing Location: <u>South-3 Bunk-34</u>
PIN# <u>211050</u>	D.O.B. <u>04/30/60</u>	Class: <u>AMFEL</u>
Date/Time of Report: <u>03/19/2018 2215 hrs</u>	Incident Date/Time/Location: <u>03/19/2018 / 2200 hrs / South-3</u>	
A report of your action(s) has been forwarded to the Warden's Office accusing you of the following infractions and the specific reasons for these charges.		
Note to preparing officer: Provide a description of the inmate's conduct along with each infraction and the rule number violated.		
Rule #	<u>17.01 - Failure to obey - Inmate Guichard violated this rule by refusing to go to his assigned housing location.</u>	
Rule #	<u>17.04 - Failure to comply - Inmate Guichard violated this rule by not obeying the order to return to his bunk</u>	
Rule #	<u>17.07 - Failure to lock in/assigned bedding - Inmate Guichard violated this rule by refusing to go to his assigned bunk.</u>	
Rule #	<u>15.02 - Disrespect to staff member - Inmate Guichard violated this rule by cursing at this officer.</u>	
Rule #		
Supplemental pages required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Page <u>1</u> of <u>1</u>
Reporting Officer (Print and sign name) <u>[Signature]</u>		Badge #: <u>[Signature]</u>
Incident Report Submitted: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Translator/Assistance requested: Yes <input type="checkbox"/> No <input type="checkbox"/>
Witness(es) requested: Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, witness(es) name(s) Have each witness complete a Witness Statement Form.)		
Further investigation required: Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, complete Formal Investigation Form.		
Locked in based on above charges: Yes <input type="checkbox"/> No <input type="checkbox"/>		Date/Time:
You may submit to the chief administrative officer a written response to the charges brought against you. Furthermore, an impartial disciplinary committee has been designated by the Warden for the purpose of conducting a hearing to determine the validity of this complaint and to insure that the best interests of both you and the facility are served. You will be given an opportunity to answer the accusation at this hearing which will be held at least twenty four (24) hours after this notification, unless you choose to waive this right. If additional information is required by this committee, further inquiry into the circumstances surrounding the incident will be made. You have the right to appeal the dispositions and sanctions applied as a result of the hearing within two (2) business days of the hearing date. An appeal form will be given to you and assistance in completing the appeal form will be provided upon request. Your signature is required stating that you have received a copy of this notice from a supervisor.		
Supervisor Signature/Date/Time: <u>[Signature]</u> <u>5208</u> <u>3/19/18</u> <u>2350 hrs</u>		
Continued confinement required pending disciplinary hearing: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes CF11 must be submitted.		
Duty Lieutenant Signature/Date/Time: <u>[Signature]</u> <u>21105</u> <u>3/19/18</u> <u>2352</u>		
Inmate Signature/Date/Time: <u>[Signature]</u> <u>2356 HRS</u>	Supervisor Signature/Date/Time: <u>[Signature]</u> <u>5242</u> <u>3/19/18</u> <u>2357 HRS</u>	

After inmate has affixed his signature copies to:

Copy 1: Hearing Board Copy 2: Inmate Copy Copy 3: Classification